

CHAPTER 133

CRIMINAL LAW AND PROCEDURE

SENATE BILL 20-088

BY SENATOR(S) Fields, Cooke, Gardner, Ginal, Marble, Priola, Tate;
also REPRESENTATIVE(S) Roberts and Soper, Carver, Snyder, Valdez D., Woodrow.

AN ACT**CONCERNING EVIDENTIARY RULES WHEN A DEFENDANT INTERFERES WITH A WITNESS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 13-25-139 as follows:

13-25-139. Criminal action - interference with witness - forfeiture by wrongdoing. WHEN A PARTY TO A CRIMINAL CASE WRONGFULLY PROCURES THE UNAVAILABILITY OF A WITNESS, A STATEMENT OTHERWISE NOT ADMISSIBLE PURSUANT TO THE COLORADO RULES OF EVIDENCE THAT IS OFFERED AGAINST THE PARTY THAT WAS INVOLVED IN OR RESPONSIBLE FOR THE WRONGDOING THAT WAS INTENDED TO, AND DID, DEPRIVE THE CRIMINAL JUSTICE SYSTEM OF EVIDENCE IS ADMISSIBLE AS AN EXCEPTION TO THE HEARSAY RULE; EXCEPT THAT SUCH A STATEMENT IS NOT ADMISSIBLE UNLESS THE PROONENT HAS GIVEN TO THE ADVERSE PARTY ADVANCE WRITTEN NOTICE OF AN INTENTION TO INTRODUCE THE STATEMENT SUFFICIENT TO PROVIDE THE ADVERSE PARTY A FAIR OPPORTUNITY TO CONTEST THE ADMISSIBILITY OF THE STATEMENT. IN DETERMINING THE ADMISSIBILITY OF THE EVIDENCE, THE COURT SHALL DETERMINE, PRIOR TO THE TRIAL, WHETHER THE FORFEITURE BY WRONGDOING OCCURRED BY A PREPONDERANCE OF THE EVIDENCE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 26, 2020

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.